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March 6, 2009



**Via Hand Delivery**

Nicole Steele, Planner  
Loudoun County Department of Planning  
1 Harrison Street, S.E., 3rd Floor  
Leesburg, VA 20176

Re: Village of Waxpool - ZMAP 2008-0014

Dear Ms. Steele:

This letter addresses and provides you with a written response to the referral agency comments for the Village of Waxpool rezoning application. For your convenience, each of the staff comments are stated below and the Applicant's responses follow in bold italics.

**LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING**  
**(SARAH MILIN, 2/13/2009)**

**OUTSTANDING ISSUES**

**1. Open Space**

Plan policies state that all residential neighborhoods should set aside 30% of their total acreage for public parks and open space (*Revised General Plan, Chapter 6, Residential Neighborhoods Policy 2*). In the first referral, staff acknowledged that the Village of Waxpool has been developed as a permitted, R-1 cluster subdivision in accordance with the provisions of the Zoning Ordinance that may or may not comply with the Plan's guidance regarding the land use mix. Staff requested information regarding the amount of open space currently provided within the Village of Waxpool. Staff also raised concerns that the proposed rezoning would result in an overall reduction of open space as well as an increase in the amount of impervious area in an environmentally-sensitive area of the County. The Village of Waxpool is located at the headwaters of a tributary to the Beaverdam Reservoir in a location where the provision of open space would be beneficial for reducing the extent of impervious cover in the watershed and the associated pollutant load. For these reasons, staff recommended that it may be appropriate to compensate for the loss of open space by providing enhancements (such as additional plantings) within the existing open space areas currently located within the Village of Waxpool or by purchasing an equivalent amount of open space elsewhere within the Lower Goose Creek

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watershed.

According to the Applicant's response, the Village of Waxpool includes 68 acres of permanent open space (35% of the total 194-acre subdivision), in excess of Plan policies. Furthermore, "the dedication of 3.15 acres for the Belmont Ridge Road right-of-way served regional road purposes and should be considered as the compensation for the open space for these four proposed lots". The developer of the Village of Waxpool also did extensive riparian buffer plantings in the open space for Section 1 of the project pursuant to CPAP-2006-0003 which was part of a restoration plan that was designed "to stabilize the existing stream system, restore the riparian corridor and encourage colonization from native species". A total of 251 trees comprising seven different species were planted within Section 1. Staff commends the Applicant on preparing a stream restoration and riparian planting plan for two tributaries to the Beaverdam Reservoir. However, while the stream restoration remains intact, a site visit on February 5, 2009 indicates that the majority of the riparian plantings were not successfully established (Figure 1).

*To offset the loss of open space consistent with the by-right R-1 cluster requirement, staff encourages the Applicant to commit to reforesting the riparian buffer with plant species that will be viable in the long term. This could be accomplished by committing to preparing a riparian planting plan for review and approval by the County Urban Forester to be implemented prior to issuance of the final occupancy permit for the subject property. The referenced commitment should specify that 3-gallon, native deciduous trees, including a minimum of three different species, will be planted on a 20-foot by 20-foot grid within the first 50-feet of the streambanks of the tributaries included in the planting plan submitted with CPAP-2006-0003. The referenced riparian plantings will complement the stream restoration already performed by providing shade and organic material that will improve the health and productivity of the stream.*

**Applicant Response:** *The applicant has revised the proffers to provide the requested commitment for a riparian planting plan. However, the applicant requests a meeting with the appropriate staff to determine what the process will be to review and implement the proffered plan. Additionally, the applicant will need the approval of the HOA to agree to the planting plan, since the applicant no longer owns the open space land and since the HOA is under resident control.*

## **2. Unmet Housing Needs**

On September 18, 2007, the Board of Supervisors adopted revised housing policies with particular attention to unmet housing needs of households earning up to 100% of the Washington Metropolitan Area Median Income (AMI, \$99,000 effective February 13, 2008), that being the area of greatest need in the County (Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles Policy 2, p. 2-12). Policies also recognize that the largest segment of unmet need is housing for incomes below 30% AMI (Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles Policy 14, p. 2-12). To help meet these needs, developers of residential and mixed-use projects should include funding commitments and proffers to fulfill unmet housing

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needs in their development proposals (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Funding Policy 1, p. 2-12*).

In the first referral, staff recommended that the Applicant provide a commitment that addresses the full spectrum of unmet housing needs up to 100 percent of the AMI. According to the response letter, "the Village of Waxpool community is a by-right subdivision. The proposed rezoning corrects a problem created by the Applicant not obtaining density credit at the time the Belmont Ridge Road right-of-way dedication was provided. Given these circumstances, the proposed rezoning should not be responsible for addressing unmet housing needs per the Revised General Plan policies. However, the Applicant is willing to make a contribution towards this effort and has included in the draft proffers submitted with this letter a commitment to contribute \$250 per unit for the two dwelling units above the by-right zoning, for a total contribution of \$500." The draft proffer statement (Proffer 5) provides the following commitment: "Prior to or concurrent with the issuance of the first zoning permit for a residential unit, the Applicant shall provide a one-time cash contribution in the amount of \$500 to be used for unmet housing needs in Loudoun County. This contribution shall escalate on an annual basis beginning January 1, 2010, and change effective each January 1 thereafter, based on the CPI."

Staff appreciates the Applicant's willingness to assist the County in meeting unmet housing needs. Staff notes, however, that recently-approved applications proposing residential uses have provided a greater per capita contribution. Specifically, these applications have provided a \$500 cash contribution for each dwelling units constructed within the project, rather than just those above the base density. This application, in comparison, provides a \$250 contribution for the two units above the by-right zoning.

*Staff encourages the Applicant to provide a more substantial commitment that addresses the full spectrum of unmet housing needs up to 100 percent of the AMI. Staff also recommends that the commitment be revised to specify that the cash contribution will be used for the purpose of assisting qualified applicants with a household income of between 0 and 100% of Loudoun County's Median Household Income purchase homes in Loudoun County.*

**Applicant Response:** *The applicant has included in the proffers the provision for a \$500 contribution for each of the dwelling units included in this application.*

#### **RECOMMENDATIONS**

The proposed residential development conforms to the land use and density planned for this area and is supportable. Staff recommends that additional consideration be given to the reforestation of the riparian buffer and unmet housing needs commitments.

#### **VIRGINIA DEPARTMENT OF TRANSPORTATION (KEVIN NELSON, 2/11/2009)**

The following comments are offered and remain from the previous submittal:

1. A left turn lane should be provided into the site on Waxpool Road, including paving between the site entrance and the paved segment of Waxpool Road to the east.

**Applicant Response:** *The applicant's response remains unchanged from the prior submittal. The resulting density and number of dwellings is the same as was included in the approved by-right preliminary subdivision plan and the approved construction plans. The need for the rezoning is a direct result of the applicant's generous provision of additional right-of-way for Route 659. Through this right-of-way dedication, the applicant has already contributed to regional roads in the area.*

3. The stormwater management controls should be checked within this subdivision. I was recently in the field and a large amount of silt and sediment was in the runoff from this site. Additional SWM controls may be necessary.

**Applicant Response:** *The applicant's response remains unchanged from the prior submittal. The applicant has complied with all SWM and erosion and sediment controls set forth in the approved construction plans for the project.*

The applicant also received referral comments from the Office of Transportation Services, Fire, Rescue and Emergency Management, Building and Development Planning Division, and Zoning Administration. Each of these comments indicated that all of their previous comments had been adequately addressed. Therefore, I have not included these agency comments in this response letter.

We respectfully request being scheduled for the April Planning Commission public hearing. Since no changes have been made to the rezoning plat, I have attached only revised proffers with this response letter.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH &  
WALSH, P.C.



Christine Gleckner, AICP  
Land Use Planner

Enclosure

CC: Rick Entsminger, Waxpool Village, LC

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January 14, 2009



**Via Hand Delivery**

Nicole Steele, Project Manager  
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1 Harrison Street, S.E., 3rd Floor  
Leesburg, VA 20176

Re: ZMAP 2008-0014, Village of Waxpool  
Addendum to Response Letter Dated December 19, 2008

Dear Ms. Steele:

This letter addresses and provides you with a written response to the referral agency comments in the above referenced application. For your convenience, each of the staff comments are stated below and the Applicant's responses follow in bold italics.

**COMMONWEALTH OF VIRGINIA – DEPARTMENT OF TRANSPORTATION**  
**(KEVIN NELSON, 10/24/2008)**

1. A left turn lane should be provided into the site on Waxpool Road.

***Applicant Response: This proposal will result in the same number of lots that were approved under a by-right preliminary subdivision plan and construction plans and will be constructed pursuant to the approved construction plans. Furthermore, the reason for the rezoning is due to a shortage of open space directly resulting from the applicant voluntarily dedicating additional right-of-way for the Belmont Ridge Road regional road improvements as part of the by-right subdivision approval process.***

2. The stormwater management controls should be checked within this subdivision. I was recently in the field and a large amount of silt and sediment was in the runoff from this site. Additional SWM controls may be necessary.

***Applicant Response: The property has been developed pursuant to approved construction plans and stormwater management plans. The lots included in the proposed rezoning are consistent with the approved plans. Therefore, the approved plans will apply to the proposed rezoning area.***

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**LOUDOUN WATER (JULIE ATWELL, 9/9/2008)**

Loudoun Water has reviewed the referenced Zoning Map Amendment Petition and offers no objection to its approval.

Public water and sanitary sewer service would be contingent upon the developer's compliance with the Authority's Statement of Policy; Rates, Rules and Regulations; and Design Standards. Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority.

**Applicant Response:** *Comment noted.*

**LOUDOUN COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY MANAGEMENT (MARIA FIGUEROA TAYLOR, 11/18/2008)**

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Ashburn VFRC Moorefield Station 23	Ashburn VFRC Moorefield Station 23 Travel Time
156-28-7850	Village of Waxpool	Temporary Station Permanent Station	5 minutes, 38 seconds 3 minutes, 54 seconds

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	Approximate Response Time for Ashburn VFRC Moorefield Station 23
Village of Waxpool	7 minutes, 38 seconds (temp) 5 minutes, 54 seconds (perm)

The Fire and Rescue Planning Staff is not able to evaluate if there will be adequate access for large emergency vehicles and requests that the applicant provides more information regarding the proposed Virginia Oak Court. The travel way is labeled as a Category C road but no information is provided regarding total right-of-way, if there will be on street parking etc. Furthermore, staff respectfully requests that the Applicant evaluate the possibility of providing a turn around for emergency vehicles at the end of Virginia Oak Court.

**Applicant Response:** *The proposed rezoning is consistent with approved preliminary subdivision plans and construction plans with no additional lots being proposed. Virginia Oak Court already has been constructed pursuant to the approved plans. Virginia Oak Court is a private street with 14 feet of pavement and two-foot wide shoulders that provides access to four single family detached lots. These four lots all have frontage on Waxpool Road, as well, thereby providing fire trucks street access on two sides. On-street parking is not proposed for Virginia Oak Court. A turn-around is not proposed for Virginia Oak Court due to the limited function of the roadway.*

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH &  
WALSH, P.C.



Christine Gleckner, AICP  
Land Use Planner

CEG/tlm  
Enclosure

Cc: Rick Entsminger, Waxpool Village, LC  
Pat Quante, Bowman Consulting  
Ben Rose, Bowman Consulting  
Randy Minchew, Walsh, Colucci

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December 19, 2008

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Loudoun County Department of Planning  
1 Harrison Street, S.E., 3rd Floor  
Leesburg, VA 20176



Re: ZMAP 2008-0014, Village of Waxpool

Dear Ms. Steele:

This letter addresses and provides you with a written response to the referral agency comments in the above referenced application. For your convenience, each of the staff comments are stated below and the Applicant's responses follow in bold italics.

**LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING  
(SARAH MILIN, 10/30/2008)**

**ANALYSIS**

**1. Land Use**

New residential neighborhoods in the Suburban Policy Area are permitted to develop at densities of up to 4.0 dwelling units per acre, depending on the availability of adequate roads, utilities, and the provision of a full complement of public services and facilities (*Revised General Plan, Chapter 6, Residential Neighborhoods Policy 1*). The application proposes to develop 4 single family detached (SFD) dwellings on 2.2 acres of land, equivalent to a density of 1.8 du/acre. The proposed use and density is consistent with the property's land use designation.

Given that the site is located within a developed area of the County, consideration should also be given to how the proposed use functions on the site relative to the established development pattern, rather than simply based on the use itself. The Plan states that the County should consider several criteria when evaluating infill development, including the residential density and use intensity; the ability of the parcel to provide a compatible site design with or without buffering; the amount of open space and impervious surface; and the development pattern and scale (*Revised General Plan, Chapter 6, Infill, Redevelopment, and Revitalization Development Policy 1*). In this case, the proposal is consistent and compatible with surrounding developments,

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including the remainder of the Village of Waxpool (1 du/acre), the Reserve at Waxpool (3.7 du/acre), Waxpool Village (3.5 du/acre) and Broadlands South (2.74 du/acre).

*Staff finds the proposed residential use of the subject property is consistent with the density and land use called for by the Revised General Plan. The proposal is also compatible with the surrounding area and uses.*

***Applicant Response: The applicant concurs that the proposed rezoning not only is consistent with the density and land use called for the by Revised General Plan, but also is compatible with the surrounding and adjacent Village at Waxpool community of which the proposed rezoning is a component.***

## 2. Land Use Mix

The Revised General Plan anticipates that public/civic uses and public parks & open spaces will be included in all residential neighborhoods. Such spaces play an important role in residential neighborhoods by providing a place for residents to meet and hold events and contributing to the community's identity and aesthetics (Revised General Plan, Chapter 6, Open Space text and Chapter 11, Residential Neighborhood Design Guidelines). Towards this end, Plan policies state that at least 10% of the gross acreage of a residential community should contain public/civic uses and at least 30% should be set aside as public parks and/or open space (Revised General Plan, Chapter 6, Residential Neighborhoods Policy 2).

To meet Plan policies, the proposed application should provide 0.66 acres of open space (30% of the total 2.2. acres) and 0.22 acres of public/civic spaces (10% of the total acreage). The Plan recognizes that the land use mix may not be achievable for properties comprising less than 50 acres due to its small size. In such cases, the project may vary from the mix specified in the Plan by showing that an alternative is more appropriate to the specific site. This can be accomplished by providing the County with a survey of land uses within a 1,500-foot radius of the site (Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 8).

Staff recognizes that the Village of Waxpool has been developed as a permitted, R-1 cluster subdivision in accordance with the provisions of the Zoning Ordinance. As such, it may or may not comply with the Plan's guidance regarding the land use mix. Staff also recognizes that the proposed rezoning pertains to only four of the 193 total lots being developed within the subdivision and is needed primarily because of the Applicant's willingness to provide right-of-way dedication for Belmont Ridge Road. Given these circumstances, strict adherence to the land use mix policies of the Plan could place an undue burden on these four lots. However, the availability of community amenities such as public/civic space and open space are important considerations for any residential rezoning regardless of its size and more detailed information should be provided.

In particular, staff is concerned that the proposed rezoning will result in an overall reduction of open space and an increase in the amount of impervious area within the Village of Waxpool subdivision given that 3.3 acres that were originally intended to remain open will be developed

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to expand Belmont Ridge Road (Route 659). The site is located in the Lower Goose Creek watershed and is approximately 1/2-mile upstream from the Beaverdam Reservoir. It also located within 5 miles of the Goose Creek Reservoir and is within the Goose Creek Reservoir Protection Area as defined by the County's Facilities Standards Manual (FSM). It may be appropriate to compensate for this loss of open space by providing enhancements (such as additional plantings) within the existing open space areas currently located within the Village of Waxpool or by purchasing an equivalent amount of open space elsewhere within the Lower Goose Creek watershed.

*Staff requests information regarding the amount of open space currently provided within the Village of Waxpool as well as the availability of off-site public/civic uses to serve the proposed lots. Staff also recommends that the Applicant consider providing enhancements to existing open areas or additional open space in order to compensate for the loss of open space.*

***Applicant Response:*** *The record plats for the Village of Waxpool indicate that there is 68 acres of permanent open space within the 194 acre subdivision, which means the subdivision is approximately 35% open space which well exceeds the Plan guideline of 25%. The dedication of 3.15 acres for the Belmont Ridge Road right-of-way served regional road purposes and should be considered as the compensation to the County for the open space for these four proposed lots. Sheet 1 of the rezoning Plat indicates the off-site public and civic uses that will serve the proposed lots. Two major park facilities, Edgar Tillet Park and Brambleton Regional Park are located nearby to the community on Belmont Ridge Road.*

### 3. Pedestrian & Bicycle Facilities

The Revised General Plan envisions that suburban communities within the County will foster a pedestrian-friendly environment and lessen reliance on the automobile (Revised General Plan, Chapter 11, Suburban Community Design Guidelines text). The subject site fronts on two roadways: Waxpool Road to the north and Virginia Oak Court (a Category C roadway) to the south. Access to these lots will be provided via Virginia Oak Court. The Rezoning Plat (Sheet 3) indicates that a 6-foot wide sidewalk is proposed along Waxpool Road and no pedestrian facility is planned along Virginia Oak Court.

It is not clear how the proposed residences will be oriented. If the houses are to be oriented towards Waxpool Road, then Virginia Oak Court will likely function as a type of alleyway and placing sidewalk(s) along this roadway may not be necessary. However, if the houses are to be oriented to Virginia Oak Court, then sidewalks should, at a minimum, be provided along the north side of this roadway, in compliance with Plan policies which call for sidewalks to be provided on both neighborhoods roads that are at least 5 feet wide and include vegetated buffers that are at least 2 feet wide (Bike/Ped Plan, Chapter 4, Walkway and Sidewalk Policy 2a).

In either case, however, pedestrian and bicycle facilities along Waxpool Road are critical. The Bike/Ped Plan identifies Waxpool Road (Route 625) as a baseline connecting roadway and calls for the County to "exercise every opportunity to improve bicycle and pedestrian connections [along these roadways] by integrating appropriate accommodations into roadway improvement

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projects as they arise in the transportation or land development process” (*Bike/Ped Plan, Chapter 5, Baseline Connecting Roadways Policy 1 and East Loudoun County Proposed Bicycle and Pedestrian Network Map*). The Revised Countywide Transportation Plan (Revised CTP) also states that Waxpool Road is a priority bicycle route (*Revised CTP, Chapter 2, Pedestrian and Bicycle Facilities Policy 11*). As such, Plan policies envision that a 10-foot wide, paved shared use path will be provided along the south side of Waxpool Road, adjacent to the subject property (*Bike/Ped Plan, Chapter 4, Table 4-1 and Shared Use Pathways text*).

The proposed 6-foot wide sidewalk shown on the rezoning plat is not consistent with the Plan’s vision for bicycle and pedestrian accommodations along Waxpool Road. This trail should, if feasible, be widened to 10 feet in order to be consistent with Plan policies and other projects approved along the roadway. For example, the Reserve at Waxpool (ZMAP 2004-0018) committed to constructing a 10 foot wide asphalt multi-purpose trail along their Waxpool Road frontage, immediately north of the subject site.

*Staff recommends that a 10-foot wide, paved shared use path be provided along Waxpool Road, consistent with Plan policies. Staff also recommends information regarding the orientation of the proposed dwellings and what type of material (i.e., concrete or asphalt) will be used for the proposed Waxpool Road sidewalk.*

***Applicant Response:*** *The four dwelling units will face Virginia Oak Court. The applicant has received approval for the construction plans for (CPAP 2006-0076) and already has constructed a six-foot wide asphalt trail along Waxpool Road. The Reserve at Waxpool, which is located on the north side of Waxpool Road, has proffered a ten-foot wide trail along the north side of Waxpool Road. Therefore, it is the applicant’s understanding that the ten-foot wide trail for Waxpool Road is being constructed on the north side rather than the south side of Waxpool Road.*

#### 4. Capital Facilities

Under the Revised General Plan, all residential rezoning requests will be evaluated in accordance with the Capital Facility policies of the Plan (*Revised General Plan, Chapter 3, Proffer Policy 3*). The Revised General Plan calls for capital facilities contributions valued at 100 percent of capital facility costs per dwelling unit at densities above the specified base density (*Revised General Plan, Chapter 11, Proffer Guidelines*). The base density is defined as 1.0 dwelling unit per acre or a base density equivalent to the density requirements contained in the existing zoning district regulations applicable to the property and in effect at the time of application, whichever is lower (*Revised General Plan, Chapter 11, Proffer Guidelines*).

Capital facility impacts have been calculated for the proposed development including the costs associated with the provision of safety, government, recreation, and education services, etc. The total projected capital facilities impact of the proposed development is \$187,276 (see Attachment 1). The County assumes responsibility for the capital facilities impacts up to the base density of 1 dwelling unit per acre for land zoned R-1. The net capital facilities contribution anticipated from the developer would be \$93,638. On February 15, 2005, the Board of Supervisors adopted a

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policy that allows an Applicant to credit the cost of proposed transportation improvements that exceed impacts and apply it to the anticipated capital facilities contribution. It may be appropriate to credit the right-of-way dedication of Belmont Ridge Road towards the capital facilities contribution.

*Staff recommends that the impacts on capital facilities of the proposed residential development be mitigated. Staff also requests information regarding the estimated cost of the Belmont Ridge Road right-of-way dedication.*

***Applicant Response:*** *The 3.3 acre right-of-way dedication for Belmont Ridge Road was a regional road improvement provided from a subdivision developing at a by-right density of one dwelling unit per acre. The dedication occurred in 2004 at which time the land was assessed at a value of approximately \$70,312.50 per acre, which was \$221,484.38 for the 3.15 acre dedication. This assessed value far exceeds the anticipated capital facilities contribution of \$93,638 for the proposed rezoning. Therefore, the applicant believes that a capital facilities contribution proffer is not necessary in this case due to the value of the land dedication provided for the Belmont Ridge Road regional road improvements.*

#### 5. Unmet Housing Needs

On September 18, 2007, the Board of Supervisors adopted revised housing policies with particular attention to unmet housing needs of households earning up to 100% of the Washington Metropolitan Area Median Income (AMI, \$99,000 effective February 13, 2008), that being the area of greatest need in the County (Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles Policy 2, p. 2-12). Policies also recognize that the largest segment of unmet need is housing for incomes below 30% AMI (Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles Policy 14, p. 2-12). To help meet these needs, developers of residential and mixed-use projects should include funding commitments and proffers to fulfill unmet housing needs in their development proposals (Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Funding Policy 1, p. 2-12).

*Staff recommends that the Applicant provide a commitment that addresses the full spectrum of unmet housing needs up to 100 percent of the AMI.*

***Applicant Response:*** *The Village of Waxpool community is a by-right subdivision. The proposed rezoning corrects a problem created by the applicant not obtaining density credit at the time the Belmont Ridge Road right-of-way dedication was provided. Given these circumstances, the proposed rezoning should not be responsible for addressing unmet housing needs per Revised General Plan policies. However, the applicant is willing to make a contribution toward this effort and has included in the draft proffers submitted with this letter a commitment to contribute \$250 per unit for the two dwelling units above the by-right zoning, for a total contribution of \$500.*

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#### **6. Energy Efficient Design**

The County encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative impacts (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principle 12, pg. 4*).

*Staff encourages the Applicant to incorporate energy efficient and sustainable design and construction principles into the development of the project.*

***Applicant Response:*** *The applicant proposes to construct dwelling units similar to the ones already constructed in the Village of Waxpool, since these will be the remaining four units of a 193 unit subdivision. Some builders, however, are incorporating voluntarily energy efficient design features into new units. The applicant will encourage the builders for these four lots to consider using such measures in the proposed units.*

#### **RECOMMENDATIONS**

The proposed residential development conforms to the land use and density planned for this area. However, staff requests information regarding the availability of public/civic uses and public parks & open space and the orientation of the proposed dwellings. Staff also recommends that a 10-foot wide, paved shared use path be provided along Waxpool Road; that the proposed development's capital facilities impacts be mitigated; and a commitment that addresses the full spectrum of unmet housing needs up to 100 percent of the AMI. Staff also encourages the use of energy efficient and sustainable design and construction principles. Staff would be happy to meet with the applicant to discuss any comments or questions.

***Applicant Response:*** *These recommendations have been addressed individually in the responses to the comments above.*

#### **LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – ZONING ADMINISTRATION (BRIAN FISH, 11/5/2008)**

#### **II. ZONING MAP AMENDMENT APPLICATION ISSUES:**

##### **A. Conformance with the Revised 1993 Loudoun County Zoning Ordinance**

1. **Section 3-204(C), Yards.** Illustrate the required yards on the plat.

***Applicant Response:*** *The yards are shown on the Typical Lot Detail on Sheet 3 of the Rezoning Plat.*

2. **Section 3-208 Lot Coverage.** Include this requirement on the plans.

***Applicant Response:*** *The lot coverage requirement is shown on Sheet 1 of the Rezoning Plat.*

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3. **Section 3-208(B), Building Height.** Include this requirement on the plans.

**Applicant Response:** *The maximum building height requirement is shown on Sheet 1 of the Rezoning Plat.*

4. **Section 5-1100, Off-Street Parking and Loading Requirements.** Revise the parking tabulation on Sheet 8. Per §5-1102, parking shall be provided at the rate of 3.0 parking spaces per dwelling unit. Please state only what is required, not what shall be provided.

**Applicant Response:** *The parking requirement is shown on Sheet 1 of the Rezoning Plat.*

**B. Plat Comments**

1. Revise General Note #3 on Sheet 1 to clarify that the subject property is currently zoned R-1 under the Revised 1993 Loudoun County Zoning Ordinance.

**Applicant Response:** *General note #3 on Sheet 1 has been revised as recommended.*

2. Revise Sheets 2 and 3 to correctly label the subject property as PIN 156-28-7850.

**Applicant Response:** *The PIN number on Sheets 2 and 3 has been corrected.*

**C. Proffer Comments**

1. The Applicant has not provided any proffers to date. If the Applicant wishes to submit proffers for consideration, they are required to be submitted as part of the Applicant's response to the first written review of the issues (§6-1209(A)(1)), and no later than 45 calendar days prior to the scheduled public hearing before the Board of Supervisors (§6-1209(A)(2)).

**Applicant Response:** *Draft proffers have been provided with this submittal.*

2. If proffers are submitted, Staff recommends that, for the purpose of future interpretation, administration and enforcement, each proffer should be written to specifically and clearly communicate: 1) the intent of the proffer; 2) who is responsible for fulfilling the proffer; 3) what is being proffered; 4) where the proffer applies; and 5) when the proffer is to be initiated and completed.

**Applicant Response:** *The draft proffers include the recommended information.*

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**LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT –  
PLANNING DIVISION (MICHAEL SEIGFRIED, 10/28/2008)**

1. The applicant should revise the title of the CDP to accurately identify the application number of the “ZMAP 2008-0014” as well as the title block of each sheet.

**Applicant Response:** *The correct application number is shown on Sheet 1 and the title block of each sheet.*

2. Revisit and revise the “Zoning Requirements” shown on sheet # 1 of the CDP to clearly indicate that the applicant is using the “Suburban Design Option” instead of other options permitted in the R-2 zoning district.

**Applicant Response:** *The suburban design option has been noted on Sheet 1.*

3. Revisit and revise the “Zoning Requirements” shown on sheet # 1 of the CDP to insert the zoning requirements defined in Section 3-208(A) and 3-208(B) of the Revised 1993 Zoning Ordinance for Lot Coverage and Building Height.

**Applicant Response:** *The lot coverage and building height requirements have been added to Sheet 1.*

4. Revisit and revise the Parcel Identification Number (PIN #) for the subject parcel labeled on sheets # 2 & 3 of the CDP. The correct PIN # **156-28-7850** should be used in place of # 471-17-5172 as shown.

**Applicant Response:** *The correct PIN # is shown on Sheets 2 and 3.*

5. Revisit and revise the Parcel Identification Number (PIN #) for the adjoining Lot # 84 labeled on sheets # 2 & 3 of the CDP. The correct PIN # **156-38-4695** should be used in place of # 471-17-5172 as shown.

**Applicant Response:** *The correct PIN # is shown for Lot 84 on Sheets 2 and 3.*

6. In accordance with Section 3-204(B) of the Revised 1993 Zoning Ordinance, Suburban Design Option lots are required to have a lot width of 100’ as measured across the rear of the front yard. The front yard is determined to be the area adjoining the public street frontage as defined in 1245.01(2) of the LSDO. The applicant should revise the “Typical Lot Detail” on sheet # 3 of the CDP to label the front yard from Waxpool Road and not from the private access easement Virginia Oak Court.

**Applicant Response:** *The typical lot detail on Sheet 3 has been revised as recommended.*

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7. Revisit and revise sheet # 2 of the CDP (Existing Conditions) to label the existing Public Access Easement, Storm Drain Easement, and Sight Distance Easement that are shown.

**Applicant Response:** *These easements have been labeled on Sheet 2.*

**LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT -  
ENVIRONMENTAL REVIEW TEAM (LAURA EDMONDS, 11/3/2008)**

*Regarding open space*

- 1) ERT is concerned about the loss of open space associated with this development. The application proposes four lots zoned R-2 on a 2.2 acre parcel. While the 20,000 square-foot lot size is consistent with the existing R-1 cluster subdivision, no corresponding open space is provided by the proposed application. The parcel is located at the headwaters of a tributary to the Beaverdam Reservoir in a location where the provision of open space would be beneficial for reducing the extent of impervious cover in the watershed and the associated pollutant load. Under the R-1 cluster, an acre of open space would be required to accompany the two lots needed to achieve the original by-right density proposed prior to the dedication of the Route 659 Right-of-Way.

Therefore, staff recommends that an acre of open space be provided within this subwatershed consistent with the by-right cluster requirement. Alternately, a commitment to reforest the riparian corridor within the existing Village of Waxpool open space parcels (MCPI#156-27-2930 and MCPI#156-28-8456) could be provided to improve water quality in an effort to offset the open space that would otherwise have been provided. If this option is pursued, staff recommends a reforestation plan be provided for approximately 15 acres of the riparian corridor, from the existing pond southeast of the property, downstream to an area located within the Minor Floodplain just east of Belmont Ridge Road. The minimum specifications for the reforestation plan would include 100, 3-gallon, native, deciduous trees per acre, planted on a 20-foot x 20-foot grid, including a minimum of three different species. The approximate cost for the reforestation would be \$30,000 to \$35,000 and would offset the one-acre of open space that would otherwise be provided in the by-right scenario.

**Applicant Response:** *The one acre of open space that otherwise would be provided by the by-right development has been provided in the form of 3.15 acres of right-of-way dedication to the County. The record plats for the Village of Waxpool indicate that there is 68 acres of permanent open space within the 194 acre subdivision (including the area being rezoned), which means the subdivision is approximately 35% open space, which well exceeds the Revised General Plan guideline of 25%. The developer of the Village of Waxpool also did extensive riparian buffer plantings in the open space for Section 1 of the project (MCPI # 156-27-2930), pursuant to the approved CPAP 2006-0003. The riparian planting plan, prepared by Williamsburg Environmental Group, is shown on Sheet S8 of that CPAP. The riparian*

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*planting plan was part of a restoration plan that was designed “to stabilize the existing stream system, restore the riparian corridor and encourage colonization from native species.” The riparian planting plan, which has been installed, proposed planting 251 trees along the tributary comprising seven different species. The open space in Section 2 (MCPI #156-28-8456) does not contain any portion of the tributaries, and, therefore, no restoration plan was needed in this area.*

*Regarding the Goose Creek Reservoir Protection Area*

- 2) Staff notes that the property falls within the Goose Creek Reservoir Protection Area and is subject to the water quality standards of Facilities Standards Manual (FSM), Section 5.320.D.7.b.

***Applicant Response:*** *Comment noted. The project, including the rezoning area, already has received construction plan approval (CPAP 2006-0076), and the infrastructure already is constructed. Therefore, this project already has demonstrated compliance with this provision of the FSM.*

*Regarding green building*

- 3) Guiding Principle Policy 12 of CPAM-2007-0001 “encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative environmental impacts.” Several green building standards for residential development promote energy conservation and other green building goals, including but not limited to Energy Star, EarthCraft Virginia, LEED for Homes, and standards being formulated by the National Association for Home Builders. Accordingly, staff encourages a green building standard that will achieve quantifiable energy and water use savings among other benefits.

***Applicant Response:*** *The applicant proposes to construct dwelling units similar to the ones already constructed in the Village of Waxpool, since these will be the remaining four units in a 193 unit subdivision. Some builders, however, are voluntarily incorporating energy efficient design features into new units. The applicant will encourage the builders for these four lots to consider using such measures in the proposed units.*

**LOUDOUN COUNTY OFFICE OF TRANSPORTATION SERVICES (MARC LEWIS-DEGRACE, 11/1/2008)**

**Transportation Comments**

1. Applicant should provide a sidewalk along Virginia Oak Court in front of the proposed dwelling units. Please depict how this sidewalk will connect existing and proffered sidewalks and trails in the immediate area.

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**Applicant Response:** *Virginia Oak is a private street with no through traffic that will function as an alley more than as a street. Additionally, Virginia Oak Court will have so little traffic traveling at low speeds that it will be safe for pedestrians to use Virginia Oak Court. A trail already has been constructed on these proposed lots along Waxpool Road (CPAP 2006-0076). A trail also has been constructed along Iannis Spring Drive. Constructing a sidewalk on Virginia Oak Court would increase the impervious surface area of the community without providing any meaningful benefit to the community.*

2. The Applicant should provide fair-share contributions toward future traffic signals at (1) Waxpool Road and Truro Parish Drive and (2) Waxpool Road and Belmont Ridge Road.

**Applicant Response:** *A transportation consultant was not engaged for this rezoning due to no increase in traffic as a result of this rezoning, and, therefore, there is no consultant to determine the fair share contribution. The applicant is willing to provide a fair share contribution, however, based on the calculations for the recent Palisades at Waxpool rezoning application (ZMAP 2006-0021), which is located on Waxpool Road immediately to the west of the Village at Waxpool. Staff reviewing that application was satisfied with the fair share contribution proposed in that application of \$3,675 for 24 dwelling units. The proposed application for four dwelling units would be willing to provide 1/6 that amount or \$612.50. This contribution is reflected in the draft proffer statement.*

3. The Applicant should provide a transit contribution of \$575.00 per each dwelling unit proposed on site. This amount is consistent with other recently approved rezoning applications in the surrounding area.

**Applicant Response:** *The draft proffers submitted with this response letter include the recommended transit contribution proffer.*

**Conclusion:**

OTS will offer a recommendation once it has received the applicant's responses to the above comments.

**Applicant Response:** *Comment noted.*

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**LOUDOUN COUNTY PUBLIC SCHOOLS (SAM ADAMO, 10/27/2008)**

School Board staff has reviewed the zoning map amendment application for the Village of Waxpool (Section 2, Phase 1). As the rezoning would result in the same number of lots presently included in the approved preliminary plat and construction plans for the Village of Waxpool, staff offers no comment.

Staff, however, does seek clarification regarding the approved unit mix associated with each phase of the Village of Waxpool community. County records indicate that Section 1 contains 104 single family detached lots (SBRD 2003-0094) and Section 2 contains 88 single family detached lots (SBRD 2005-0023). Confirmation from either County staff or the applicant on the number of lots approved per section would be appreciated.

***Applicant Response:*** *The record plat for Section 1 contains 105. The record plat for Section 2 contains 84 lots plus the residual included in this rezoning. If the rezoning is approved, there will be four additional lots for a total of 88 lots in Section 2. If the rezoning is not approved, there will be two additional lots for a total of 86 lots in Section 2.*

**LOUDOUN COUNTY DEPARTMENT OF GENERAL SERVICES-STORMWATER MANAGEMENT (BOYD CHURCH, 9/10/2008)**

I have reviewed the information for the above referenced project. No stormwater concepts were provided so therefore we reserve the opportunity to review and comment at the development review stage.

***Applicant Response:*** *The construction plans for Sections 1 and 2 already have been approved for the Village of Waxpool, which addressed stormwater management (CPAP 2006-0003 and CPAP 2006-0076) and which included the proposed rezoning area. Therefore, there will be no further review of stormwater management upon rezoning approval. The Section 2 plans included the four 20,000 square foot lots shown on the rezoning plat.*

**LOUDOUN COUNTY HEALTH DEPARTMENT-DIVISION OF ENVIRONMENTAL HEALTH (MATTHEW TOLLEY, 10/16/2008)**

The Health Department recommends approval of this application. There are no on-site facilities of concern to this Department. The plat reviewed was prepared by Bowman Consultants and was dated 30 July 2008.

Attachments Yes \_\_\_ No X

***Applicant Response:*** *Comment noted.*

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Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH &  
WALSH, P.C.



Christine Gleckner, AICP  
Land Use Planner

CEG/tlm  
Enclosure

Cc: Rick Entsminger, Waxpool Village, LC  
Pat Quante, Bowman Consulting  
Ben Rose, Bowman Consulting  
Randy Minchew, Walsh, Colucci

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